

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PETITION TO FILE)
BY ENJOINED LITIGANT) M.B.D. No. 15-mc-91126-PBS
GERARD D. GRANDOIT)

MEMORANDUM AND ORDER

May 4, 2015

SARIS, C.D.J.

For the reasons set forth below, Grandoit's request (#1) for permission to file a new complaint is denied without prejudice, with leave to refile in accordance with the instructions and warnings outlined below.

I. Introduction

Plaintiff Gerard D. Grandoit ("Gandoit") has been found by a judge of this Court to be an abusive litigant.¹ As a result, he has been enjoined from filing civil actions in this Court without first obtaining permission from a judicial officer.

Now before the Court is a letter from Grandoit seeking permission to file a civil action. The letter is accompanied by (1) an Application to Proceed in District Court Without Prepaying Fees or Costs; (2) copies of correspondence that Grandoit received from Discover denying his application for a credit card; and (3) a copy of Judge Stearns' Memorandum and Order in Gandoit v. Staples, C.A. No. No. 10-10299-RGS (Dec. 6, 2011).

¹See Judge Stearns' Memorandum and Order in Gandoit v. Staples, C.A. No. No. 10-10299-RGS (Dec. 6, 2011).

In the letter, Grandoit explains that he received in the mail an application for a credit card from Discover. He states that he applied for the Discover credit card by mail but was not issued a credit card. Grandoit contends that his application was denied for reasons not related to the credit card application. Grandiot's letter does state what he believes to be the basis of the denial. Grandoit says he has written letters to both the Department of Justice and to Discover, without adequate response.

II. Discussion

Grandoit requests permission to file a civil complaint but has not submitted a proposed complaint. Grandoit's letter provides insufficient information for the court to determine whether Grandoit can allege a claim and whether this court would have jurisdiction over such claim. Because of this, his request will be denied without prejudice.

In order for Grandoit to obtain approval for filing a civil action in this court, in this matter or any future matter, he will be required to file a written petition together with the proposed complaint and papers sought to be filed. He will also be required to certify under oath that there is a good-faith basis for their filing. In the future, any documents which are submitted for filing by Grandoit in violation of these instructions shall not be filed or docketed by the Clerk's Office, but shall be returned by the Clerk's Office to Grandoit.

III. Conclusion

Based on the foregoing, it is hereby Ordered that:

1. Pursuant to the December 6, 2011 Memorandum and Order entered in Grandoit v. Staples, C.A. No. No. 10-10299-RGS, Grandoit was enjoined from filing civil actions in this court without first obtaining permission from a judicial officer;
2. In order for Grandoit to obtain approval for filing a civil action in this court, he shall file a written petition seeking leave of court to do so. The petition must be accompanied by a copy of the December 6, 2011 Memorandum and Order, together with the proposed complaint and papers sought to be filed, and a certification under oath that there is a good-faith basis for their filing. The Clerk of Court shall accept the documents, mark them received, and forward them for action on the petition to a judge of this court authorized to act on matters on the Miscellaneous Business Docket of the Court. Any documents which are submitted for filing by Grandoit in violation of these instructions shall not be filed or docketed by the Clerk's Office, but shall be returned by the Clerk's Office to Grandoit; and
3. Grandoit's request (#1) for permission to file a new complaint is denied without prejudice, with leave to refile in accordance with the preceding instructions and warnings.

SO ORDERED.

/s/ Patti B. Saris
PATTI B. SARIS
CHIEF, UNITED STATES DISTRICT JUDGE